

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

2:08mj7

UNITED STATES OF AMERICA)	
)	
Vs.)	ORDER
)	
JAYDA ARLENE PHEASANT.)	
)	

THIS MATTER is before the court on court appointed counsel for defendant's Motion for Psychiatric Examination, which appointed counsel and now retained counsel for defendant requests be withdrawn.

On April 1, 2008, the court conducted a hearing on such request, and the government did not object to the proposed relief, citing the judgment of retained counsel who has had much greater experience in federal court than previously assigned counsel. For cause, retained counsel indicated that he had conducted discussions with the defendant and that, in his opinion, defendant was quite capable of assisting in the preparation of her own defense and that there was no indicia of any mental deficiency. Such proffer is consistent with the court's own recollection of the defendant's competence at the time of her initial appearance, wherein she was quite capable of interacting with the court and expressing her desire for counsel.

Inasmuch as the court's observations coincide with those of retained counsel, the undersigned can only conclude that appointed counsel's motion was prompted by his concern for defendant based on observation of her reaction to being detained pending trial, and that she has now regained her composure and is working well with her retained attorney. The court will, therefore, allow the defendant's withdraw of her Motion for Psychiatric Examination.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Withdraw her Motion for Psychiatric Examination is **ALLOWED**, and such motion is **WITHDRAWN**.

Signed: April 1, 2008



Dennis L. Howell
United States Magistrate Judge

